



Substitute House Bill No. 5799

Public Act No. 05-81

***AN ACT CONCERNING DISPOSITION OF UNCLAIMED CREMATED
REMAINS BY FUNERAL DIRECTORS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (NEW) (*Effective July 1, 2005*) If the person who has custody and control of the remains of a deceased person pursuant to section 45a-318 of the general statutes requests the disposal of the deceased body by cremation or if the deceased had executed a cremation authorization form in accordance with the provisions of said section 45a-318, the funeral director shall complete a written form containing the following information: (1) The name and address of the funeral service business that is responsible for the disposal of the deceased body; (2) the name of the deceased; (3) the place and time of the cremation; (4) the name of the licensed funeral director or embalmer; (5) the name and address of the person who has custody and control of the remains of the deceased; (6) a summary of the disposition, in accordance with section 2 of this act, of the cremated remains, if unclaimed; and (7) a statement indicating the disposition of the cremated remains requested by the person who has custody and control of the remains of the deceased or a statement indicating the deceased had executed a cremation authorization form in accordance with the provisions of section 45a-318 of the general statutes. The written form shall be signed and dated by the person who has custody

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and control of the remains of the deceased and the funeral director. A copy of the signed form shall be provided to the person who has custody and control of the remains of the deceased. The original signed form shall be retained at the funeral service business for not less than twenty years from the date on which it was signed by the person who has custody and control of the remains of the deceased.

Sec. 2. (NEW) (*Effective July 1, 2005*) (a) If the cremated remains are not accepted by a person in accordance with the requested disposition of the cremated remains on the form required by section 1 of this act or by the person designated to take custody and control of the cremated remains, the funeral director may dispose of such cremated remains by: (1) Burial in a cemetery, (2) storage in a crypt of a mausoleum or columbarium, (3) scattering, (4) burial in a memorial garden, (5) storage at the funeral home, or (6) such other method identified in the signed form required by section 1 of this act, provided the funeral director has complied with the notice requirements of subsection (b) of this section. Upon such disposal of the cremated remains, the funeral director shall notify, in writing, the registrar of vital records in the town from which the cremation permit for the deceased was issued pursuant to section 19a-323 of the general statutes, as amended by this act, of the manner in which the cremated remains were disposed. Such written notice shall be attached to the cremation permit.

(b) If, because of the failure of the person responsible for accepting the cremated remains or the person designated to take custody and control of the cremated remains to accept such remains, a funeral director or embalmer possesses cremated remains for more than one hundred eighty days after the date of cremation, such funeral director or embalmer shall provide notice, by certified mail, to (1) the person who signed the form required by section 1 of this act, and (2) (A) the person responsible for accepting such remains, or (B) the person designated to take custody and control of the cremated remains, if

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different from the person signing the form. Such notice shall provide that if the cremated remains are unclaimed for more than ninety days from the date of mailing of such notice, the remains will be disposed of in accordance with subsection (a) of this section.

(c) Any cremated remains in the possession of a funeral director on July 1, 2005, may be disposed of in the manner specified in subsection (a) of this section, provided the funeral director has made a reasonable attempt to notify the person who had custody and control of the remains of the deceased or a relative of the decedent. Such notice shall provide that if the cremated remains are unclaimed for more than one hundred eighty days from the date of mailing of such notice, the remains will be disposed of in accordance with subsection (a) of this section.

Sec. 3. Section 19a-323 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2005*):

The body of any deceased person may be disposed of by incineration or cremation in this state or may be removed from the state for such purpose. If death occurred in this state, the death certificate required by law shall be filed with the registrar of vital statistics for the town in which such person died, if known, or, if not known, for the town in which the body was found. The Chief Medical Examiner, Deputy Chief Medical Examiner, associate medical examiner, or an authorized assistant medical examiner shall complete the cremation certificate, stating that such medical examiner has made inquiry into the cause and manner of death and is of the opinion that no further examination or judicial inquiry is necessary. The cremation certificate shall be submitted to the registrar of vital statistics of the town in which such person died, if known, or, if not known, of the town in which the body was found, or with the registrar of vital statistics of the town in which the funeral director having charge of the body is located. Upon receipt of the cremation certificate, the registrar

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shall authorize the cremation certificate, keep it on permanent record, and issue a cremation permit, except that if the cremation certificate is submitted to the registrar of the town where the funeral director is located, such certificate shall be forwarded to the registrar of the town where the person died to be kept on permanent record. The estate of the deceased person, if any, shall pay the sum of forty dollars for the issuance of the cremation certificate or an amount equivalent to the compensation then being paid by the state to authorized assistant medical examiners, if greater. No cremation certificate shall be required for a permit to cremate the remains of bodies pursuant to section 19a-270a. When the cremation certificate is [issued in] submitted to a town other than that where the person died, the registrar of vital statistics for such other town shall ascertain from the original burial transit removal permit that the certificates required by the state statutes have been received and recorded, that the body has been prepared in accordance with the Public Health Code and that the entry regarding the place of disposal is correct. Whenever the registrar finds that the place of disposal is incorrect, the registrar shall issue a corrected burial transit removal permit and, after inscribing and recording the original permit in the manner prescribed for sextons' reports under section 7-72, shall then immediately give written notice to the registrar for the town where the death occurred of the change in place of disposal stating the name and place of the crematory and the date of cremation. Such written notice shall be sufficient authorization to correct these items on the original certificate of death. No body shall be cremated until at least forty-eight hours after death, unless such death was the result of communicable disease, and no body shall be received by any crematory unless accompanied by the permit provided for in this section. The fee for a cremation permit shall be three dollars and for the written notice one dollar. The Department of Public Health shall provide forms for [such] cremation permits, which shall not be the same as for regular burial permits and shall include space to record information about the intended manner of disposition

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of the cremated remains, and such blanks and books as may be required by the registrars.

Approved June 2, 2005